

section shall be reported to the city council and the city clerk. All reports provided for in this section shall be transmitted to the city council and the city clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid from such department's or agency's allotment of a subsequent quarter without approval by the mayor, except for subsequently determined retroactive compensation adjustments. Approval of a payroll for payment of wages, or salaries or other personnel expenses which would result in an expenditure in excess of the allotment shall be a violation by the department or agency head, including the superintendent of schools and the school committee of section sixteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. If the continuation of operations is not approved in a quarter where a department has exhausted the quarterly allotment or allotments as specified above, or, in any event, if a department has exceeded its entire appropriation for a fiscal year, the city shall have no obligation to pay any personnel cost or expense arising after such allotment or appropriation has been exhausted. Notwithstanding the provisions of any general or special law to the contrary, every collective-bargaining agreement entered into by the city, the school department, or the county shall be subject to and shall expressly incorporate the provisions of this section.

To insure that the overall city and county spending program remains in balance, the mayor may reallocate no more than three million dollars of nonpersonnel appropriations other than school appropriations during a fiscal year to other departmental purposes provided that in no department from which appropriations have been reallocated in accordance with this section shall any transfers be made under section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine from personal services to non-personal services, except with the approval of a two-thirds vote of the city council, if such transfer would require the layoff of departmental personnel, who have been permanently appointed to a position in the department under the provisions of chapter thirty-one of the General Laws. No reallocation may be made under this section after April fifteenth in any fiscal year. A list of each reallocation made by the mayor shall be transmitted to the city council and the city clerk by the city auditor by April thirtieth in any fiscal year. In each case the report shall state the accounts from which the transferred funds were taken and the accounts to which the funds were reallocated, and the reasons therefor. [Acts of 1982, c. 190, s. 18, amended by Acts of 1986, c. 701, ss. 8, 9]

**SECTION 58.** *Hospitalization and Insurance Accounts.* To further insure that the overall city and county spending program remains in balance, the mayor and city council shall appropriate for the hospitalization and insurance account an amount not less than the average of the past three years actual expenditures from those accounts. The city auditor shall certify, in writing to the board of assessors, that adequate funds are provided in the operating budget for existing collective bargaining contracts. This certification shall be received by the board no later than ten business days before the proposed tax rate is submitted to the department of revenue for approval. [Acts of 1982, c. 190, s. 18A, amended by Acts of 1986, c. 701, s. 10]

## **PUBLIC FACILITIES COMMISSION AND SURPLUS PROPERTY**

**SECTION 59.** *Authority of the Public Facilities Commission to Acquire Land for Municipal Purposes.* Without obtaining the consent of any board or officer or further authority than that contained in this act, the public facilities commission, in the name of the city, may acquire by purchase, lease, gift, devise or otherwise for any municipal purpose a fee simple absolute or any lesser interest in any land,

public or private, within the limits of the city, including air rights and riparian rights, and may take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws any such fee or interest except in parks and playgrounds and except also, unless there be express consent, in lands belonging to or covered by contract with the United States, the commonwealth, the Boston Housing Authority, or the Boston Redevelopment Authority. Whenever the price proposed to be paid for any land to be acquired for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years, such land shall not be acquired by purchase, but shall be taken by eminent domain. No land shall be taken until an appropriation by loan or otherwise for the general purpose for which land is needed shall have been made by the mayor and city council by a two-thirds vote of all its members; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. Nothing in this section shall affect in any way the powers and duties of the real property board under chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six as now or hereafter amended, or of the public improvement commission as successor in function to the board of street commissioners under chapter four hundred and thirty-seven of the acts of eighteen hundred and ninety-three or chapter four hundred and twenty-six of the acts of eighteen hundred and ninety-seven or chapter three hundred and ninety-three of the acts of nineteen hundred and six, as severally now or hereafter amended, or acts in addition thereto. [Acts of 1909, c. 486, s. 31; Acts of 1966, c. 642, s. 12; *see also* Acts of 1983, c. 643, s. 11]

SECTION 60. *Authority of the Public Facilities Commission to Shift Municipal Purposes of Land.* Without obtaining the consent of any board or officer other than the mayor, and without interdepartmental payment, the public facilities commission, without further authority, may transfer any land now or hereafter belonging to the city, except parks and playgrounds, but including school lands and land acquired by foreclosure of tax title, from the municipal purpose, if any, to which it is devoted at the time of such transfer to any other specific municipal purpose, and may also transfer the care, custody, management and control of any such land, except parks and playgrounds, but including school land and land acquired by foreclosure of tax title, from such board or officer, including itself, as at the time of such transfer may have the same to such other board or officer, including itself, as it may determine. [Acts of 1909, c. 486, s. 31; Acts of 1966, c. 642, s. 12]

SECTION 61. *Authority of Public Facilities Commission to Lease or Sell Land.* Without obtaining the consent of any board or officer other than the mayor, the public facilities commission, without further authority, may, for such rent or price and upon such terms as said commission may deem appropriate, lease or sublease or sell, grant, and convey any surplus land, as hereinafter defined, to the federal government or any agency thereof, the commonwealth or any political subdivision or authority thereof or, if notice of intent to lease or sell such land or buildings together with a statement of when and where written details of such proposed lease or sale may be examined shall first have been publicly advertised in the City Record once a week for two successive weeks, to any person, firm, corporation or trust. "Surplus land", as used in this section, shall be deemed to mean land, buildings and real estate now or hereafter belonging to the city and in the care, custody, management and control of said commission (except parks and playgrounds) which at the time of such lease or sale are or have been used for school purposes, or which have been acquired by foreclosure of tax titles or acquired under section eighty of chapter sixty of the General Laws, or which, irrespective of the manner or time of acquisition, are not held by the city for a specific purpose, or which have been transferred to the commission by the city council. [Acts of 1909, c. 486, s. 31, amended by Acts of 1966, c. 642, s. 12]

SECTION 62. *Establishment of the Surplus Property Disposition Fund.* Notwithstanding the provisions of any general or special law to the contrary the proceeds from the disposition of any surplus property other than that acquired through tax title foreclosure shall be deposited in a separate fund which shall be set up on the books of the city and shall be known as the Surplus Property Disposition Fund, and shall be used only as follows:

- (1) The amount equivalent to the debt incurred, and interest paid or payable thereon, as a result of the acquisition or improvement from time to time of the property shall be used only for purposes for which the city is authorized to incur debt for a period of ten years or more;
- (2) All proceeds in excess of such amount shall be credited to the capital fund of the city unless the city council by a majority vote determines with the approval of the mayor to credit such proceeds to the general fund of the city.

[Acts of 1909, c. 486, s. 3, amended by Acts of 1941, c. 604, s. 1, amended by Acts of 1954, c. 24, amended by Acts of 1982, c. 190, s. 24, and further amended by Acts of 1986, c. 701, s. 4]

SECTION 63. *Authority of the Public Facilities Commission to Dispose of Off-Street Parking Structures.* Notwithstanding the provisions of chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six or any other general or special law to the contrary, the public facilities commission of the city of Boston may dispose of any or all of the off-street parking structures, including the real estate related thereto, owned by the city of Boston, as surplus property in accordance with sections thirty-one B and thirty-one C of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, only when transferred to the commission by a majority vote of the city council. [Acts of 1909, c. 486, s. 3, amended by Acts of 1941, c. 604, s. 1, amended by Acts of 1954, c. 24, amended by Acts of 1982, c. 190, s. 24, and further amended by Acts of 1986, c. 701, s. 4]

## MISCELLANEOUS PROVISIONS

SECTION 64. *Loans Issued by the City.* All loans issued by the city after the passage of this act shall be made payable in annual installments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. No sinking fund shall be established for said loan. All bonds shall be offered for sale in such a manner that the effect of the premiums, if any, shall be to reduce the total amount of bonds issued. No city or county money shall be deposited in any bank or trust company of which any member of the board of sinking fund commissioners of said city is an officer, director, or agent. [Acts of 1909, c. 486, s. 26]

SECTION 65. *List of Department Employees.* Every officer and board in charge of a department of the city of Boston or county of Suffolk shall, on or before the sixth day of February in each year, prepare and furnish to the city auditor a list of the officials and employees under said officer or board and paid by the city or county on the first day of such February. Such list shall give the name, residence by street and ward, designation, compensation, and date of election or appointment of each of said officials and employees and the date when each first entered the employ of the city or county. It shall be the duty of the city auditor to verify said lists by the pay rolls and to keep a copy of said lists open for public inspection, and to prepare and publish in the City Record on or before the tenth day of April in each year a comparative table containing the number of such officials and employees holding office or